

REMARKS

The Examiner is thanked for the thorough examination of the present application. The Office Action, however, has continued to reject all claims 1-8. In particular, claims 1-4 are rejected under 35 U.S.C. 102(e) as allegedly unpatentable over May (US 6,211,613). Claims 5-8 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over May in view of the Richard (US 6,759,945). Applicants respectfully traverse this rejection.

Rejection under 35 U.S.C. 102

Claims 1-4 are rejected under 35 U.S.C. 102(e) as allegedly unpatentable over May (US 6,211,613).

Independent claim 1 recites:

1. An organic electroluminescent display, comprising:
an organic electroluminescent display (OLED) panel;
a reflective sheet; and
a brightness regulating film for light transmission between the organic electroluminescent display panel and the reflective sheet.

(*Emphasis Added*). Claim 1 patently defines over *May* for at least the reason that *May* fails to disclose the features emphasized above.

In this regard, col.1 line 55-62 of *May* teaches that the contrast in organic EL displays can be improved, allowing a reduction in brightness requirements and therefore power for a given readability, by the use of a circular polarizer. **This is placed in front of a display** which has a reflective back electrode surface and light can pass through the polarizer and is then completely absorbed by the polarizer. In addition, no figure shown in *May* illustrates a formation of a brightness regulating film between an organic EL display panel and a reflective sheet. Therefore, Applicant respectfully submits that *May* is legally deficient for the purpose of anticipating claim 1.

Specifically, Applicant respectfully submits that *May* does not teach or otherwise disclose the expressly recited feature of “***a brightness regulating film*** for light transmission ***between the organic electroluminescent display panel and the reflective sheet.***”

The Office Action cites element 10 of *May* as constituting the claimed reflective sheet, and cites col 6, lines 21-29 as disclosing the claimed “brightness regulating film” and the “reflective sheet.” Applicant respectfully disagrees. In this regard, *May* does not teach the formation of a brightness regulating film formed between the OLED panel and the reflective sheet, ***but rather*** teaches the formation of a circular polarizer (*i.e.*, reference numeral 14) in front of a glass substrate 12 (*see* Fig. 1) and formation of an antireflection coating (*i.e.*, reference numeral 16) placed on the viewing surface of the glass substrate 12 (*see* Fig. 2), both for improving contrast of an electroluminescent display.

For at least this reason, the rejection of claim 1 should be withdrawn. As claims 2-4 are dependent claims that depend from claim 1, either directly or indirectly, Applicant respectfully submits that these claims also are in condition for allowance.

Rejection under 35 U.S.C. 103

Claims 5-8 are rejected under 35 U.S.C. 103(a) as allegedly unpatentable over *May* in view of the *Richard*. Applicant respectfully requests reconsideration and withdrawal of this rejection. First, claim 5-8 patently define over the cited art at least by their dependency on claim 1.

In addition, as claim 1 recites “***a brightness regulating film for light transmission between the organic electroluminescent display (OLED) panel and the reflective sheet,***” which is not disclosed or taught in *May* (as described above in connection with claim 1), claim 5

patently defines over the cited art for at least the same reasons. In this regard, May does not teach the formation of a brightness regulating film formed between the OLED panel and the reflective sheet, **but rather** teaches the formation of a circular polarizer (*i.e.*, reference numeral 14) in front of a glass substrate 12 (*see* Fig. 1) and formation of an antireflection coating (*i.e.*, reference numeral 16) placed on the viewing surface of the glass substrate 12 (*see* Fig. 2), both for improving contrast of an electroluminescent display.

Similarly, as illustrated in Figs. 1 and 2, and related description thereof in the Richard, **Richard does not teach the formation of a brightness regulating film between an OLED panel and an reflective sheet**, but rather teaches an variable reflectance mirror can be utilized as the internal rearview mirror 10 or the external mirrors 12 and 14 respectively positioned outside the driver and passenger doors of a vehicle (*see* Fig. 1). Fig. 2 of Richard illustrates a cross-sectional view of the variable reflectance mirror 200. Embodiments illustrated in Richard are all related to a mirror used in a vehicle but not a display of self-luminance capability as the organic electroluminescent display of the present application.

For at least these additional reasons, claim 5 patently defines over the cited art.

As a separate and independent basis for the patentability of claims 5-8, Applicants respectfully submit that the Office Action has failed to cite a proper motivation or suggestion for combining the cited references. In this regard, the Office Action stated only that the combination would have been obvious “because brightness regulating means taught by Richard increase the contrast of the display independently of the ambient light, furthermore the brightness regulating mechanism allow fast response, good viewing angle and high tolerance of temperature.” (Office Action, p. 4). This alleged motivation is clearly improper in view of well-

established Federal Circuit precedent.

It is well-settled law that in order to properly support an obviousness rejection under 35 U.S.C. § 103, there must have been some teaching in the prior art to suggest to one skilled in the art that the claimed invention would have been obvious. W. L. Gore & Associates, Inc. v. Garlock Thomas, Inc., 721 F.2d 1540, 1551 (Fed. Cir. 1983). More significantly,

"The consistent criteria for determination of obviousness is whether the prior art would have suggested to one of ordinary skill in the art that this [invention] should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art. ..." Both the suggestion and the expectation of success must be founded in the prior art, not in the applicant's disclosure... In determining whether such a suggestion can fairly be gleaned from the prior art, the full field of the invention must be considered; for the person of ordinary skill in the art is charged with knowledge of the entire body of technological literature, including that which might lead away from the claimed invention."

(Emphasis added.) In re Dow Chemical Company, 837 F.2d 469, 473 (Fed. Cir. 1988).

In this regard, Applicant notes that there must not only be a suggestion to combine the functional or operational aspects of the combined references, but that the Federal Circuit also requires the prior art to suggest both the combination of elements and the structure resulting from the combination. Stiftung v. Renishaw PLC, 945 Fed.2d 1173 (Fed. Cir. 1991). Therefore, in order to sustain an obviousness rejection based upon a combination of any two or more prior art references, the prior art must properly suggest the desirability of combining the particular elements to derive an OLED, as claimed by the Applicant.

When an obviousness determination is based on multiple prior art references, there must be a showing of some "teaching, suggestion, or reason" to combine the references. Gambro Lundia AB v. Baxter Healthcare Corp., 110 F.3d 1573, 1579, 42 USPQ2d 1378, 1383 (Fed. Cir. 1997) (also noting that the "absence of such a suggestion to combine is dispositive in an obviousness determination").

Evidence of a suggestion, teaching, or motivation to combine prior art references may flow, inter alia, from the references themselves, the knowledge of one of ordinary skill in the art, or from the nature of the problem to be solved. See In re Dembiczak, 175 F.3d 994, 1000, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form, must nevertheless be “clear and particular.” Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617.

If there was no motivation or suggestion to combine selective teachings from multiple prior art references, one of ordinary skill in the art would not have viewed the present invention as obvious. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); Gambro Lundia AB, 110 F.3d at 1579, 42 USPQ2d at 1383 (“The absence of such a suggestion to combine is dispositive in an obviousness determination.”).

Significantly, where there is no apparent disadvantage present in a particular prior art reference, then generally there can be no motivation to combine the teaching of another reference with the particular prior art reference. Winner Int'l Royalty Corp. v. Wang, No 98-1553 (Fed. Cir. January 27, 2000).

Thus, Applicant respectfully submits that the rejection can be withdrawn and requests that a timely Notice of Allowance be issued in this case.

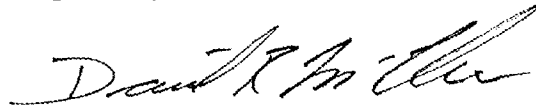
CONCLUSION

In view of the foregoing, it is believed that all pending claims are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this Response to Office Action. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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